

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF NEW YORK**

UNITED STATES OF AMERICA,

v.

LINDA JONES and LESLIE KNOX,

Defendants.

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CRIMINAL NO. 5:07-CR-395 (DNH)

**U.S. DISTRICT COURT
N.D. OF N.Y.
FILED**

**COPY
OCT 03 2007**

**LAWRENCE K. BAERMAN, Clerk]
UTICA**

ORDER

Pursuant to 18 U.S.C. § 3771, the United States seeks an order authorizing the government to provide notice by publication to the large number of crime victims in this case. Under Section 3771(a)(2), crime victims have a right to “reasonable, accurate, and timely notice” of public court proceedings. In this case, the victims or potential victims are individuals or entities who were shareholders, creditors, or potential shareholders or creditors, of The Penn Traffic Company at any time from 1999 through 2003. These numerous individuals have not been, and cannot be, fully identified and located. The United States estimates that there are thousands of such individuals and entities and, despite reasonable efforts and diligence, has been unable to identify them. It will thus be impracticable for the Government to identify and locate all affected individuals and provide each of them with reasonable, accurate, and timely individualized notice by mail in advance of the defendants’ future court proceedings.

Under such circumstances, Section 3771(d)(2) of the Justice for All Act gives the Court the authority to “fashion a reasonable procedure to give effect to this chapter that does not unduly complicate or prolong the proceedings.” The government seeks authorization to provide notice to the individuals by publication of a notice in The Syracuse Post-Standard, as well as by the regular and continuous advance posting on the official website of the U.S. Attorney’s Office,

advising potential victims of all such future proceedings. The text of the proposed notice is contained in the United States' motion.

The Court finds: (1) that the "multiple victim" provisions of 18 U.S.C. § 3771(d)(2) apply to the above-captioned case; (2) that it is impractical for the Government to identify all of the direct and proximate victims of the charged offenses on an individual basis at this time; and (3) notice by publication and continuous official website posting is a "reasonable procedure" to give effect to the provisions of 18 U.S.C. § 3771. Accordingly, it is Ordered that the United States is authorized to comply with 18 U.S.C. § 3771 (a)(2) by (1) providing notice of upcoming court proceedings by publication for one day in The Syracuse Post-Standard of the notice included in the United States' motion, such publication to occur within one week of the date this Order is executed, and (2) posting on the official website of the United States Attorney's Office for the Northern District of New York reasonable advance notice of future court proceedings in this matter, to include the date, time and location of such proceedings.

Dated: _____

October 3, 2007
Utica, N.Y.



Honorable David N. Hurd
U.S. District Judge